

1 JAIKUMAR RAMASWAMY
2 Chief, Asset Forfeiture and
3 Money Laundering Section (AFMLS)
4 LINDA M. SAMUEL, Deputy Chief
5 DANIEL H. CLAMAN, Assistant Deputy Chief
6 WOO S. LEE, Trial Attorney
7 STEPHEN GIBBONS, Trial Attorney
8 Criminal Division
9 United States Department of Justice
10 1400 New York Avenue, N.W., 10th Floor
11 Washington, D.C. 20530
12 Telephone: (202) 514-1263, Woo.Lee@usdoj.gov
13

14 ANDRÉ BIROTTÉ, JR.
15 United States Attorney
16 STEVEN R. WELK (Cal. Bar No. 149883)
17 Assistant United States Attorney
18 312 North Spring Street, 14th Floor
19 Los Angeles, California 90012
20 Telephone: (213) 894-6166, Steven.welk@usdoj.gov
21

22 Attorneys for Plaintiff
23 UNITED STATES OF AMERICA
24

25 UNITED STATES DISTRICT COURT
26 FOR THE CENTRAL DISTRICT OF CALIFORNIA
27

28
29 UNITED STATES OF AMERICA,) No. CV 2: 11-3582-GW-SS
30 Plaintiff,)
31 v.) Hon. George H. Wu
32)
33 ONE WHITE CRYSTAL-COVERED "BAD) DECLARATION OF ROBERT
34 TOUR" GLOVE AND OTHER MICHAEL) MANZANARES IN SUPPORT OF UNITED
35 JACKSON MEMORABILIA;) STATES' OPPOSITION TO CLAIMANTS
36 REAL PROPERTY LOCATED ON) TEODORO NGUEMA OBIANG
37 SWEETWATER MESA ROAD IN MALIBU,) MANGUE'S AND SWEETWATER
38 CALIFORNIA; ONE 2011 FERRARI 599) MALIBU, LLC'S MOTION FOR
39 GTO,) SUMMARY JUDGMENT ON THE
40 Defendants.) LIMITED ISSUE OF PROBABLE CAUSE
41) OR, IN THE ALTERNATIVE, ORDER
42 FINDING THE GOVERNMENT LACKED
43

1 PROBABLE CAUSE AT THE TIME IT
2 INSTITUTED THE ACTION FOR
3 FORFEITURE IN REM

4 Hearing: June 20, 2013 (8:30 a.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 I, Robert Manzanares, declare and state as follows:

2 1 . I am a Special Agent with the United States Department of Homeland
3 Security's Bureau of Immigration and Customs Enforcement, Homeland Security
4 Investigations (HSI) directorate. I have been employed as a Special Agent for over six
5 years. I am currently assigned to the Special Agent in Charge, Miami, Florida, Foreign
6 Corruption Investigations Group. Prior to that, I was a Senior Special Agent with the
7 Office of the Inspector General for the United States Department of Transportation for
8 five years. I also was employed by the United States District Court for the Southern
9 District of Florida as a U.S. Probation Officer for approximately nine years. As such, I
10 have conducted numerous investigations of criminal conduct including, but not limited
11 to, money laundering, public corruption, contract/grant fraud, financial institution crime,
12 extortion, fraud schemes and related conspiracies. I am familiar with the methods and
13 means by which this criminal conduct is carried out. I am a graduate of the Federal Law
14 Enforcement Training Center.

15 2 . I have personal knowledge of the facts set forth in this Declaration and if
16 necessary could competently testify thereto under oath.

17 3 . Attached hereto as **Exhibit 1**, is a true and correct copy of an excerpt of the
18 United States' Second Set of Responses and Objections to Claimants' Vice President
19 Teodor Nguema Obiang Mangue and Sweetwater Malibu LLC's First Set of
20 Interrogatories to Plaintiff United States of America (Set One), which I verified, and the
21 United States provided to Claimants on December 6, 2012.

22 4 . Attached hereto as **Exhibit 2**, is a true and correct copy of an excerpt of
23 "Keeping Foreign Corruption Out of the United States: Four Case Histories," a staff
24 report issued in or around February 4, 2010, by the Majority and Minority staff of the
25 United States Senate's Committee on Homeland Security and Government Affairs'
26 Permanent Subcommittee on Investigations (PSI).

1 5 . Attached hereto as **Exhibit 3**, is a true and correct copy of a HSI report of
2 investigation dated November 16, 2006.

3 6 . Attached hereto as **Exhibit 4**, is a true and correct copy of a HSI report of
4 investigation relating to a February 3, 2011, interview of John Bennett, former United
5 States ambassador to Equatorial Guinea.

6 7 . Attached hereto as **Exhibit 5**, is a true and correct copy of a HSI report of
7 investigation relating to June 7, 2012, and June 8, 2012, interviews of German Pedro
8 Tomo, an EG national who owned Tromad Forestal (an EG timber company) and
9 Tromad SA Construcciones Y Obras (an EG infrastructure firm).

10 8 . Attached hereto as **Exhibit 6**, is a true and correct copy of a HSI report of
11 investigation relating to a November 19, 2011, interview of EG CS 7, a confidential
12 informant, who worked for a French timber company in EG in 1996.

13 9 . Attached hereto as **Exhibit 6A**, is a true and correct copy of a letter
14 provided to HSI by EG CS 7 on November 19, 2011.

15 10 . Attached hereto as **Exhibit 6B**, is an English translation of Exhibit 6A.

16 11 . Attached hereto as **Exhibit 7**, is a true and correct copy of a HSI report of
17 investigation relating to a September 20, 2011, interview of Christopher Kernan, former
18 EG Country Program Director for Conservation International, a non-governmental
19 organization active in EG's forestry sector.

21 12 . Attached hereto as **Exhibit 8**, is a true and correct copy of a HSI report of
22 investigation relating to November 17, 2011, and November 18, 2011, interviews of
23 Construction Executive C, a confidential informant who worked closely with General
24 Work, SA, a major construction firm in EG.

25 13 . Attached hereto as **Exhibit 9**, is a true and correct copy of a HSI report of
26 investigation relating to February 29, 2012, and March 1, 2012, interviews of
27 Construction Executive C.

14 . Attached hereto as **Exhibit 10**, is a true and correct copy of a HSI report of investigation relating to a November 3, 2011, interview of Construction Executive C.

15. Attached hereto as **Exhibit 11**, is a true and correct copy of a HSI report of investigation relating to a June 1, 2012, interview of a confidential informant who was a former employee of Teodoro Nguema Obiang Mangue (Nguema) in California.

16. Attached hereto as **Exhibit 12**, is a true and correct copy of a HSI report of investigation relating to a May 22, 2012, interview of a confidential informant who was a former employee of Nguema in California.

17. Attached hereto as **Exhibit 13**, is a true and correct copy of a HSI report of investigation relating to a October 6, 2011, interview of Jim McDermott, Esq., a California attorney who represents several former employees of Nguema.

18 . Attached hereto as **Exhibit 14**, is a true and correct copy of a HSI report of investigation relating to a October 7, 2011, interview of Chris Cortazzo, a real estate agent in California.

19. Attached hereto as **Exhibit 15**, is a true and correct copy of a CBP Form 6059B, submitted by Emanuel Asamoah at Los Angeles International Airport (LAX) to United States Customs and Border Protection, an agency of the United States Department of Homeland Security, on Friday, September 3, 2011.

20 . Attached hereto as **Exhibit 16**, is a true and correct copy of a Waiver of Liability, provided to HSI by Rockin Boxes Global. The waiver is dated Wednesday, September 8, 2011, and contains the signature of "Wanda Kelly," acknowledging receipt of various Michael Jackson Memorabilia.

21. Attached hereto as **Exhibit 17**, is a true and correct copy of a “Daily Activity Report” for Nguema’s Malibu property (Sweetwater Property), dated September 13, 2011, obtained by HSI.

1 22 . Attached hereto as **Exhibit 18**, is a true and correct copy of a “Daily
2 Activity Report” for Nguema’s Malibu property (Sweetwater Property), dated
3 September 14, 2011, obtained by HSI.

4 23 . Attached hereto as **Exhibit 19**, is a true and correct copy of a “Border
5 Crossing Summary” for Emanuel Asamoah, issued by United States Customs and
6 Border Protection, stating that Emanuel Asamoah entered the United States at LAX at
7 5:23 p.m., on September 3, 2011, and departed for Charles de Gaulle Airport in Paris,
8 France, on September 15, 2011.

9 24 . Attached hereto as **Exhibit 20**, is a true and correct copy of a HSI report of
10 investigation relating to a November 15, 2011, interview of a confidential informant in
11 California.

12 25 . Attached hereto as **Exhibit 21**, is a true and correct copy of a HSI report of
13 investigation relating to a May 10, 2012, interview of Jean Philippe Rapaz, an officer of
14 the National Police of France.

15 26 . Attached hereto as **Exhibit 22**, is a true and correct copy of a HSI report of
16 investigation relating to July 12, 2011, and a July 14, 2011, interviews of Bruno Beretta,
17 an Italian national who managed a timber company in EG.

19 27 . Attached hereto as **Exhibit 23**, is a true and correct copy of a HSI report of
20 investigation relating to a September 20, 2011, interview of EG Accountant A, who was
21 employed as an accountant at a Big Four accounting firm in EG between 2004 and 2007.

22 28 . Attached hereto as **Exhibit 24**, is a true and correct copy of a HSI report
23 of investigation relating to a June 12, 2009, meeting between HSI and officers of Italy’s
24 Guardia di Finanza (GdF) and other Italian law enforcement officials.

25 29 . Attached hereto as **Exhibit 25**, is a true and correct copy of a Power Point
26 presentation provided to HSI by the GdF on June 12, 2009.
27
28

1 30 . Attached hereto as **Exhibit 25A**, is a true and correct copy of an English
2 translation of the GdF's Power Point presentation provided to HSI by the GdF on June
3 12, 2009.

4 31 . Attached hereto as **Exhibit 26**, is a true and correct copy of a HSI report of
5 investigation relating to information obtained from the Judicial Police Squad of the
6 Procure of the Republic in April 2009.

7 32 . Attached hereto as **Exhibit 27**, is a true and correct copy of a HSI report of
8 investigation relating to a June 12, 2009, meeting with GdF officers and other Italian law
9 enforcement officials.

10 33 . Attached hereto as **Exhibit 28**, is a true and correct copy of a HSI report of
11 investigation relating to a April 20, 2011, interview of Stephen Fuller, the former
12 Regional Vice President for Sub-Saharan Africa for Gulfstream Aerospace Corporation.

13 34 . Attached hereto as **Exhibit 29**, is a true and correct copy of a HSI report of
14 investigation relating to a June 17, 2011, interview of Stephen Fuller, the former
15 Regional Vice President for Sub-Saharan Africa for Gulfstream Aerospace Corporation.

16 35 . Attached hereto as **Exhibit 30**, is a true and correct copy of a HSI report of
17 investigation relating to October 18, 2011, October 21, 2011, and October 26, 2011,
18 interviews of EG Fiscal Advisor A, a confidential informant who was selected by the
19 International Monetary Fund (IMF) to serve as a fiscal advisor to EG's Finance
20 Ministry.

21 36 . Attached hereto as **Exhibit 31**, is a true and correct copy of a HSI report of
22 investigation relating to a May 2, 2012, interview of EG Fiscal Advisor A.

23 37 . Attached hereto as **Exhibit 32**, is a true and correct copy of a HSI report of
24 investigation relating to March 19, 2011, meeting between HSI and Jean-Marc Souvira
25 of the French National Police.
26
27
28

38 . Attached hereto as **Exhibit 33**, is a true and correct copy of documents provided by Comerica Bank to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

39. Attached hereto as **Exhibit 34**, is a true and correct copy of Sweetwater Malibu, LLC's Articles of Organization, produced by Michael Berger to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

40 . Attached hereto as **Exhibit 35**, is a true and correct copy of a HSI report of investigation relating to a June 1, 2012, interview of Christine Nguyen.

41. Attached hereto as **Exhibit 36**, is a true and correct copy of a letter from the Internal Revenue Service (IRS) to Christine Nguyen, stating that she is the “SOLE MBR” of Sweetwater Malibu, LLC, a “single member LLC.” This document was produced by Michael Berger to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

42. Attached hereto as **Exhibit 37**, is a true and correct copy of a IRS Form SS-4, signed by Christine Nguyen. This document was produced by Michael Berger to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

43 . Attached hereto as **Exhibit 38**, is a true and correct copy of an e-mail from Wanda Kelley to Julien's Auctions, dated August 19, 2010, and provided to HSI by Julien's Auctions prior to April 26, 2011.

44 . Attached hereto as **Exhibit 39**, is a true and correct copy of an e-mail from Nancy Gomez to Julien's Auctions, dated October 12, 2010, and provided to HSI by Julien's Auctions prior to April 26, 2011.

45. Attached hereto as **Exhibit 40**, are true and correct copies of invoices for "Amadeo Oluy" issued by Julien's Auctions, provided to HSI by Julien's Auctions prior to April 26, 2011.

46 . Attached hereto as **Exhibit 41**, is a true and correct copy of a HSI report of investigation relating to Nguema's assets, dated August 10, 2007.

47. Attached hereto as **Exhibit 42**, is a true and correct copy of a HSI report of investigation relating to Nguema's assets, dated July 10, 2007.

48 . Attached hereto as **Exhibit 43**, is a true and correct copy of a HSI report of investigation relating to Nguema's bank accounts, dated June 27, 2007.

49. Attached hereto as **Exhibit 44**, is a true and correct copy of a HSI report of investigation relating to Nguema's bank accounts at Union Bank of California, dated August 29, 2007.

50. Attached hereto as **Exhibit 45**, is a true and correct copy of a HSI report of investigation relating to Nguema's bank accounts at Bank of America, dated October 18, 2007.

51. Attached hereto as **Exhibit 46**, is a true and correct copy of a HSI report of investigation relating to Nguema's bank accounts at Citibank, dated April 28, 2008.

52. Attached hereto as **Exhibit 47**, is a true and correct copy of a HSI report of investigation relating to a May 31, 2012, interview of John Hoppe, a former employee of California National Bank.

53 . Attached hereto as **Exhibit 48**, is a true and correct copy of a HSI report of investigation relating to a May 30, 2012, interview of Chong McDermott, a former employee of Citibank.

54 . Attached hereto as **Exhibit 49**, is a true and correct copy of a HSI report of investigation relating to a April 25, 2012, interview of EG Fiscal Advisor B, a confidential informant who was selected by the IMF to serve as an economic advisor to the EG Government.

55 . Attached hereto as **Exhibit 50**, is a true and correct copy of a HSI report of investigation relating to a July 13, 2011, interview of EG CS 8, an EG national who is an agricultural engineer and scholar.

56 . Attached hereto as **Exhibit 51**, is a true and correct copy of a HSI report of investigation relating to a July 14, 2011, interview of EG CS 5, an EG national who is a lawyer and former civil servant.

57. Attached hereto as **Exhibit 52**, is a true and correct copy of an affidavit filed by Patricia Fuller with the High Court of South Africa, obtained by HSI from the National Prosecuting Authority of South Africa on December 18, 2006.

58 . Attached hereto as **Exhibit 53**, is a true and correct copy of an excerpt of an affidavit filed by Nguema with the High Court of South Africa, obtained by HSI from the National Prosecuting Authority of South Africa on December 18, 2006.

59. Attached hereto as **Exhibit 54**, is a true and correct copy of a HSI report of investigation relating to a August 30, 2011, interview of a confidential informant, who was Nguema's former personal assistant.

60. Attached hereto as **Exhibit 55**, is a true and correct copy of a HSI report of investigation relating to a December 18, 2006, interview of a confidential informant, who was Nguema's former employee.

61. Attached hereto as **Exhibit 56**, is a true and correct copy of a “Declaration of Teodoro Nguema Obiang Mangue.” This document was produced by City National Bank to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

62. Attached hereto as **Exhibit 57**, is a true and correct copy of documents received by George Nagler in California via facsimile from "Igor Celotti" in EG. These records were produced by Michael Berger to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

63 . Attached hereto as **Exhibit 58**, is a true and correct copy of a “Fax” document from Michael Berger to Nguema. The fax number listed is Igor Celotti’s fax number in EG. This document was produced by Michael Berger to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

64 . Attached hereto as **Exhibit 59**, is a true and correct copy of a HSI report of investigation relating to a September 30, 2011, interview of Celia von Mering, a former executive secretary at Walter International.

65. Attached hereto as **Exhibit 60**, is a true and correct copy of a HSI report of investigation relating to a September 14, 2011, interview of Elisa Wax, the former Director of the International Center for English Studies at Pepperdine University.

66. Attached hereto as **Exhibit 61**, is a true and correct copy of a note dated April 4, 2006, from George Nagler to Nguema. This document was produced by Michael Berger to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

67. Attached hereto as **Exhibit 62**, is a true and correct copy of a letter dated August 1, 2008, from George Nagler's counsel to counsel for the PSI. This document was produced by George Nagler to the PSI, and obtained by HSI from the PSI in or around April 28, 2010.

68 . Attached hereto as **Exhibit 63**, is a true and correct copy of an excerpt of an e-mail chain between Julien's Auctions and Nancy Gomez, Nguema's former assistant, dated October 12, 2010, and provided to HSI by Julien's Auctions prior to April 26, 2011.

69. Attached hereto as **Exhibit 64**, is a true and correct copy of an e-mail from Wanda Kelley, Nguema's assistant, to Julien's Auctions, dated August 19, 2010, and provided to HSI by Julien's Auctions prior to April 26, 2011.

1 70. Attached hereto as **Exhibit 65**, is a true and correct copy of an e-mail chain
2 between Julien's Auctions and Wanda Kelley, Nguema's assistant, dated December 9,
3 2010, and provided to HSI by Julien's Auctions prior to April 26, 2011.

4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct.

6 Executed on May 3, 2013 in Miami, Florida.

7
8
9
10
11
12 
13 Robert Manzanares
14 Special Agent
15 Homeland Security Investigations
16 United States Department of Homeland Security
17
18
19
20
21
22
23
24
25
26
27
28